



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

EMERGENCY AND REMEDIAL RESPONSE DIVISION, 19th FLOOR

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

NOV 14 1995

850080001

EXPRESS MAIL
RETURN RECEIPT REQUESTED

Richard J. Mahoney, Chief Executive
Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, MO 63167

Re: Second Request for Information Under 42 U.S.C. §9601 et seq.
Diamond Alkali Superfund Site, Operable Unit 2

Dear Mr. Mahoney:

The United States Environmental Protection Agency (EPA) has reviewed your February 3, 1995 responses to our "Request for Information" letter. EPA requests that you answer the questions in the attached sheet and include documentation substantiating your response. Please note that all the statutory provisions and instructions in EPA's prior "Request for Information" letters are applicable to the information requested in this letter.

Pursuant to these statutory provisions, EPA hereby requires that you provide the information requested in Attachment A of this letter, as well as documents supporting your responses, and include the "Certification of Answers to Request for Information," with your notarized signature.

In preparing your response to this "Request for Information," please follow the instructions provided in Attachment B.

Your response to this "Request for Information" should be postmarked or received by EPA within thirty (30) calendar days of your receipt of this letter. Your response should be mailed to:

Mr. Lance R. Richman, P.G.
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, New York 10007-1866

with a copy to Ms. Amelia Wagner, Assistant Regional Counsel,
Office of Regional Counsel, 17th Floor at the same address.

Symbol	NNJS2	ORC	NNJS2	NJB2	NJP	DD	D
Surname	RICHMAN	WAGNER	DIFORTE	BASSO	FRISCO	PAVLOU	CALLAHAN
Date	11/1	11/2/95	NMD/MS	AB 11/9		89 11/13/95	

Your failure to respond to this "Request for Information" within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5), and/or Section 3008 of RCRA, 42 U.S.C. §6928. An enforcement action may include the assessment of penalties of up to \$25,000 for each day of continued noncompliance.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

If desired, you may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, 42 U.S.C. §9604(e)(7)(E), and must be asserted at the time of submission, by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any questions concerning this "Request for Information," please contact Mr. Richman, of my staff, at (212) 637-4409 or Ms. Wagner at (212) 637-3141. Inquiries from attorneys should be directed to Ms. Wagner.

Sincerely yours,

Kathleen C. Callahan, Director
Emergency and Remedial Response Division

Attachments

cc: L. William Higley, Esq.
Assistant Environmental Counsel

bcc: A. Wagner, ORC-SUP

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 19____

Notary Public

ATTACHMENT A

REQUEST FOR INFORMATION

Background

The United States Environmental Protection Agency ("EPA") is investigating the release of hazardous substances into the Passaic River. EPA has information indicating that hazardous substances from your facility located at the foot of Pennsylvania Avenue in Kearny, New Jersey may have been discharged into the Passaic River.

Provide the information requested below, including copies of all available documentation that supports your answers.

1. With reference to Exhibit B of your previous submittal dated February 3, 1995, what industrial waste waters were discharged into the sanitary sewer from 1954 to the present? Please provide information relating to the components of each wastewater stream.

2. a. To the extent not discussed in the response to Question 1, above, please detail the byproducts and/or waste waters of phosphoric acid and sodium tripolyphosphate production, including the hazardous components of these byproducts and/or waste waters.

b. Please identify whether this was a closed system or whether the byproducts/waste waters were discharged into the sanitary sewer or, if not, where they were discharged.

3. a. To the extent not discussed in the response to Question 1, above, please detail the byproducts and/or waste waters of Sterox production, including the hazardous components of these byproducts and/or waste waters.

b. Please identify whether this was a closed system or whether the byproducts/waste waters were discharged into the sanitary sewer or, if not, where they were discharged.

4. a. To the extent not discussed in the response to Question 1, above, please detail the byproducts and/or waste waters of Alkyl Phenol production, including the hazardous components of these byproducts and/or waste waters.

b. Please identify whether this was a closed system or whether the byproducts/waste waters were discharged into the sanitary sewer or, if not, where they were discharged.

c. If this was a closed system, please explain the toluene violation in November 1990 related to this process.

5. a. To the extent not discussed in the response to Question 1, above, please detail the byproducts and/or waste waters of

vinyl side extrusion, including the hazardous components of these byproducts and/or waste waters.

b. Please identify whether this was a closed system or whether the byproducts/waste waters were discharged into the sanitary sewer or, if not, where they were discharged.

6. The following questions relate to the PCB Disposal Area discussed in your letter of February 3, 1995.

a. Was the trench into which the PCBs were discharged lined or unlined?

b. Was the disposal area lined or unlined?

c. How was this disposal area addressed in subsequent clean-up done at the Site?

7. In your previous response you indicated that process waste waters were discharged to an "acid" sump. The following questions relate to this sump.

a. Was waste water from the sump ultimately disposed of into the sanitary sewer?

b. Was any sampling ever done in the vicinity of the sump to determine whether any of the waste water migrated outside of the sump? If so, please provide the sampling and analysis information.

8. In your previous response you indicated that process waste waters were discharged to the "Alkyl Phenol/Sterox" sump. The following questions relate to this sump.

a. Was waste water from the sump ultimately disposed of into the sanitary sewer.

b. Was any sampling ever done in the vicinity of the sump to determine whether any of the waste water migrated outside of the sump? If so, please provide the sampling and analysis information.

9. During the manufacture of the sodium tripolyphosphate powder, was any of the sodium tripolyphosphate powder or dust that fell on the floor, washed into any drains on the facility?

a. If the dust or powder was washed down the drains, how often was this done (i.e., at the end of the shift or after every batch was made)?

b. Was there any analysis done on the wash that went down the drains?

c. Where did these drains lead?

10. EPA has information that your facility in Kearny had at least two out falls that directly discharged waste waters to the Passaic River until at least 1973.

a. Please provide any and all information about the waste waters that were discharged through these out falls into the Passaic River.

b. Please provide any and all information about any additional out falls through which waste waters were discharged to the Passaic River.

11. Please provide any and all information about the notification from the Passaic Valley Sewerage Commission of a discharge violation by the Kearny facility in 1961. The violation related to the release of a turbid waste water, with a pH of 2-3, from a 20" concrete pipe into the Passaic River.

12. Provide the name, address, telephone number, title and occupation of the person(s) answering this second "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding to this "Request for Information" and specify the question to which each person assisted in responding.

ATTACHMENT B

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete separate response must be made to each individual question in this "Request for Information".
2. Precede each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all current or former employees and agents of your company who may be familiar with the matter to which the question pertains.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reasons for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. For each document produced in response to this "Request for Information", indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this "Request for Information", state the reason for, and the subject matter of, the deletion.
9. Provide all documents that relate to each question. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. As used herein "relate to" or "relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to. "Document" as used herein means any recording of information in tangible form, including memoranda, handwritten notes, invoices, checks, manifests, tape recordings, computer databases, or any tangible or physical objects however produced or reproduced upon which words or other information "are affixed

or recorded or from which by appropriate transcription written matter or a tangible thing may be produced.

11. Whenever in this "Request for Information" there is a request to identify a person or an entity other than a person, state the person or entity's full name, last known employment, present or last known home address, and telephone number.

12. As used herein, the term "facility," "hazardous substance," "person," and "release" shall have the meaning set forth in Section 101(9), (14), (21) and (22) of CERCLA, 42 U.S.C. §9601(9), (14), (21), and (22), respectively.

13. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of the Corporation should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Lance Richman
US EPA - Region II
290 Broadway
New York, NY 10007



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Richard J. Mahoney, Chief
Monsanto Company
800 N. Lindbergh Blvd.
St. Louis, MO 63167

4a. Article Number
IB167352592

4b. Service Type

☐ Registered ☐ Certified
☒ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X M. Day

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

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